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## TWO TYPES OF SELF-CENSORSHIP: PUBLIC AND PRIVATE

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### INTRODUCTION

Flemming Rose, the culture editor of the Danish newspaper *Jyllands-Posten*, defended his newspaper's publication of caricatures of Mohammed as an act of defiance against increased self-censorship by artists and publishers on issues relating to Islam (Rose, 2006). This increased self-censorship, Rose claimed, was a response to intimidation from certain Muslim groups in Europe. Whilst regretting the violence and offense caused by the publication of the caricatures, Rose argued that principles of free speech justified taking a stand against self-censorship caused by intimidation. Rose's defense coheres with important liberal objections to self-censorship caused by threats and intimidation. However, as culture editor of a newspaper, Rose also points out that suppression of certain material is required by morality and taste. *Jyllands-Posten* does not publish images of dead bodies, and swear words are usually edited out of copy. Rose again appeals to what many would regard as considered convictions about the appropriateness of self-censorship in matters of taste, civility, and morality. As Jytte Klausen puts it in her discussion of the Danish cartoon incident, '[s]elf-censorship may be caused by a credible fear of retaliation and bodily harm, but it may also follow out of respect for other people's religious beliefs or from a desire not to hurt people's feelings.' (Klausen, 2009a, p. 16).

Whilst the relationship between justifiable and unjustifiable self-censorship raises important normative questions, self-censorship also raises a prior, more fundamental question: does self-censorship always require a censoring agent that exists independently of the censee? This

issue has been mentioned in passing without a full analysis of its implications. For instance, Randal Marlin states ‘[o]rdinary censorship typically provides us with a duality: a censoring authority and the censored communicator. How then, where censor and censored are one and the same person, does the notion of censorship get a foothold? We must suppose a duality within that person.’ (Marlin, 1999, p. 291). Whilst Marlin’s insight identifies the question, he offers no discussion of this proposed duality upon which self-censorship is based. The issue is also raised by Mark Cohen: ‘...is censorship only performed by a third party, or can it also take the form of self-suppression?’ (Cohen, 2001, p. 9). Cohen argues that self-censorship is a form of censorship because an individual can internalize public forms of censorship. However, like Marlin, Cohen also fails to analyze how self-censorship should be understood in the absence of an external censor.

Our paper concentrates on this neglected question. Firstly, we suggest that *public self-censorship* refers to a range of individual reactions to a public censorship regime. Self-censorship thus understood means that individuals internalize some aspects of the public censor and then censor themselves. Secondly, *private self-censorship* is the suppression by an agent of her own attitudes where a public censor is either absent or irrelevant. Private self-censorship is a process of regulation between what an individual regards as permissible to express publicly, and that which she wishes to express publicly. The purpose of this paper is therefore to distinguish two types of self-censorship: public and private.

Previous scholarship that has addressed censorship and self-censorship has proceeded mostly by an inductive historical survey of censorship regimes.<sup>i</sup> We approach our analysis of censorship and self-censorship differently. We do not develop and defend a conceptual definition of censorship and self-censorship that identifies necessary and sufficient conditions for the existence of censorship regimes. We focus instead on the question: who are the censor and the censee and how do they interact in censorship regimes? In addressing this question, we take as given that most cases of censorship will involve an interaction between censor and

censee regarding the expression of speech acts. Given this simple axiom, our analysis can proceed without depending on wider and more controversial definitions of the nature and normative character of censorship regimes. We provide a framework which we argue accurately characterizes features common to those censorship regimes which are of greatest practical concern, but accept that the content of this framework may vary given differing empirical circumstances and conceptions of censorship. By developing a framework that enables us to answer the question of who is the censor, who is the censee, and how do they interact, we are able to distinguish between cases in which censor and censee are different agents and in which they are the same agent. The former cases we label as instances of public self-censorship and the latter as instances of private self-censorship.

Whilst our paper is primarily concerned with establishing this novel descriptive distinction between public and private self-censorship, our analysis has important implications for the evaluation of censorship regimes. It allows us to analyze existing cases of censorship and self-censorship with new clarity. We explain for instance how our analysis reveals that the *Jyllands-Posten* acted as both public self-censor and private self-censor. By distinguishing these different roles of the *Jyllands-Posten*'s, greater precision in the evaluation of their actions is facilitated: the *Jyllands-Posten*'s actions as public self-censor cohere with liberal convictions regarding legitimacy of principles of free speech; yet as private self-censor the *Jyllands-Posten* seems to have unjustifiably discriminated between Christian and Muslim believers' objections to caricatures regarding their faiths. Thus the different types of self-censorship revealed by our analysis can structure normative evaluation. In general, our analysis reveals that the agents and processes involved in public and private self-censorship are substantively different, as are the agents to whom normative principles regarding censorship should be applied. In particular, principles of free speech do not apply directly to the case of private self-censorship, because whilst an instance of censorship, the absence of an external censor makes the censorship non-coercive.

The paper proceeds as follows. In the first section, we provide a general framework for describing censorship and self-censorship that allows us to analyze the interaction between censors and censees. In the second section, we describe the distinction between public and private self-censorship in greater detail. In the third section we defend the distinction against a deflationary and a normative objection. The fourth section considers the implications of our analysis for normative discussions of self-censorship. We show that our analysis facilitates moral evaluation of instances of censorship by describing more precisely the identity of the censor and censee and their interaction. We conclude that the complex phenomena of censorship and self-censorship cannot be understood and evaluated without recognizing the two types of public and private self-censorship identified in this paper.

#### DESCRIBING CENSORSHIP AND SELF-CENSORSHIP

An important debate within the current literature on censorship is whether it is meaningful to speak of censorship by agents beyond the censorship regimes of states.<sup>ii</sup> Can churches, corporations, or even social norms act as censors? Whilst this debate alerts us to instances of censorship beyond explicit legal and political censorship regimes, it refers exclusively to a censor that exists independently from a censee. Self-censorship is therefore understood as a censee's response to this externally existing censor. Yet, as suggested by Cohen, Klausen, and Marlin, there is an important class of cases where individuals censor themselves in the absence of an *external* censor. But if censorship involves an interaction between a censor and a censee, how can censorship exist in the absence of an external censor? We suggest that the features that characterize relationships of censorship between public censors and individuals can apply within individuals in the absence of externally existing censors. Thus, in order to examine instances of self-censorship where no external censor seems to exist, we first provide a descriptive framework to help us analyze censorship regimes. This framework allows us to understand the nature of self-censorship in standard cases of public censors and individuals.

Subsequently we show how censorship regimes can exist independently of externally existing censors, and how individuals can institute their own censorship regimes entirely privately.

Self-censorship involves interactions between censors and censees, but interactions between censors and censees are only one feature of what we may more broadly describe as censorship regimes. Censorship regimes can be characterized along the following dimensions. Firstly, a *goal* common to censorship regimes is to create a fit between what they allow to be expressed, and what is actually expressed by censees.<sup>iii</sup> In pursuing this goal, censors will normally have an implicit or explicit view on the *content* and *mode* of permitted and proscribed expressions. A censorship regime may object to certain kinds of content that offends against public decency or religious orthodoxy, or a censorship regime may object to how views are expressed, such as the Puritans' bans on theatre. Censorship regimes will also normally provide a *justification* or *defense* of their censorship. Thus censorship regimes may be justified on such grounds as national security, public order, or democratic equality.

Another feature common to censorship regimes, but on which they may differ substantively, is the manner of their *enforcement*. Different censorship regimes may rely on their power to suppress expression, for example by closing down newspapers or preventing access to the internet, whilst others may use their moral or institutional authority to enforce. Finally, a feature that distinguishes censorship regimes is the nature of the *censor* and *censee*.

Describing censorship regimes along these different dimensions, we can examine their empirical and normative content: what is the ultimate goal, for instance, of the Chinese government's internet censorship; what is the content of the expressions they seek to censor; how do they justify their censorship; how is the censorship enforced; and who are the censors and censees and how do they interact in this particular censorship regime? We may then wish to establish if the answers to these empirical questions are morally justified or not. Here, our concern is to focus on a particular interaction between censors and censees: an interaction that results in the censee censoring himself or herself. We therefore, for the large part, bracket both the empirical and normative issues associated with other descriptive dimensions of

censorship regimes. In particular, we do not maintain that the above dimensions constitute necessary and sufficient conditions for censorship. Rather, the dimensions allow us to describe empirical cases of censorship and characterize different conceptions of censorship. While such a framework may also be a useful starting point for developing a conceptual definition of censorship, we focus instead on working from the premise that most cases of censorship will involve a censor and censee interacting regarding the expression of speech acts, and we seek to understand these agents and their interaction.

We begin this analysis of self-censorship with the most straightforward kind of censor and censee: a public censor interacting with an individual. There are a variety of ways in which censees can respond to such censorship. Intuitively, such responses can include degrees of opposition, compliance, being brainwashed, or self-censorship on the part of the individual. Here, we give a more fine-grained analysis of such responses.

Censorship regimes can be more or less successful. In the limit case, they succeed in ‘brainwashing’ all censees such that they create a perfect fit between the permitted expressions and the actual expressions of censees. Yet, many censorship regimes do not aim to change the private attitudes of censees, as long as the censored attitudes are not expressed or not acted on. In order to understand better the interaction between censors and censees it is natural to suppose that censees can have two different kinds of attitudes: those that are privately held, and those that are expressed publicly. Further suppose, for simplicity, that the censee can take one of three stances towards the censorship regime (whether its goal, the content of its proscriptions, or its justifications etc.): acceptance, opposition or indifference.<sup>iv</sup> Crucially, in order to analyze the degree of success in suppressing expression, the values of acceptance, opposition and indifference can characterize both the privately held attitudes and the public expression of the attitudes of censees. Depending on how her private and public attitudes change in response to the censorship, any censee can respond with ‘perfect alignment’, ‘perfect non-alignment’, and various forms of ‘weak alignment’ between their

privately held and publically expressed attitudes. The possible combinations are listed in the following table.

Public Attitude Private Attitude	Public Opposition	Public Indifference	Public Acceptance
Private Opposition	Perfect Alignment (1)	Weak 'Pragmatic' Alignment (4)	Perfect Non-Alignment (8)
Private Indifference	Weak 'Idealistic Alignment' (6)	Perfect Alignment (2)	Weak 'Pragmatic' Alignment (5)
Private Acceptance	Perfect Non-Alignment (9)	Weak 'Idealistic' Alignment (7)	Perfect Alignment (3)

TABLE 1. Degrees of alignment between a censee's private and public attitudes

In the following, we consider each cell in the table, giving examples for a censorship regime in which the censor is public and the censored agents are private individuals. The three cases of perfect alignment describe a coherence between private and public attitudes: (1) full public and private opposition (e.g. an active dissenter), (2) full public and private indifference (e.g. an individual that is not interested at all in politics or society in a dictatorship), and (3) full public and private acceptance (e.g. a loyal party member in a one-party system). The two cases of weak 'pragmatic' alignment describe an incoherence between private and public attitudes: (4) public indifference with private opposition (e.g. a cautious dissenter), and (5) public acceptance with private indifference (e.g. a cautious apolitical person). The two cases of weak 'idealistic' alignment also describe an incoherence between private and public attitudes: (6) public opposition with private indifference (e.g. an individual with no strong private views, but a strong sense that the censor's proscriptions are publicly offensive to some other individuals), and (7) public indifference with private acceptance (e.g. a party member in a one-party system who privately endorses the censor's view on the grounds of ideology yet is unsure about whether such attitude should be voiced publicly). Finally, the two cases of perfect non-alignment describe a maximal incoherence of private and public attitudes: (8)



public acceptance with private opposition (e.g. a very cautious individual that fears consequences for showing even public indifference towards the censor), and (9) public opposition with private acceptance (e.g. someone who opposes the censoring in principle even if agreeing with the censor's judgment on the content of that which is proscribed).

This taxonomy expresses to what extent a censee's attitudes are in line with those required by the censor and how much her privately held and publically expressed attitudes differ.

The extent to which censees align their truly held attitudes with the censor can occur for very different reasons. Recall the idea of *enforcement* that censorship regimes engage in which asks us how exactly a censor aims to enforce the required fit between that which it is permissible to express publically, and that which is actually expressed. We can characterize such enforcement along dimensions such as power (e.g. the ability to suppress such as closing plays), authority (e.g. legitimacy to suppress on grounds such as rule of law), independent justification (e.g. a censor's appeal to values such as public order or human rights that are independent of their particular power and authority to censor), and a judgment regarding the content of the expressions (the censor's appeal to the truth or validity of permissible expressions, or untruth of proscribed expressions). That is, we can describe an individual's response to censorship as any combination of the nine degrees of success (Table 1) and dimensions of enforcement (such as power, authority, justification, content) that we can ascribe to a censorship regime.

We have therefore provided a general framework for describing and analyzing censorship regimes and the interaction between censors and censee. This framework provides dimensions on which important features common to most censorship regimes can be described, without claiming that these dimensions are exclusive or exhaustive of all possible censorship regimes. Whilst our framework is not provided as a conceptual definition of censorship, it can be used to structure such conceptual analysis and evaluation of censorship and self-censorship. For

example, debates about whether censorship is necessarily morally objectionable may be clarified by utilizing our distinction between the goals and enforcement of censorship regimes, or locating disputes about the legitimacy of particular acts of censorship in questions of the authority or epistemic quality of the censor. An advantage of providing a general descriptive framework is that it may be applied to the empirical and normative analysis of a wide range of different kinds of censorship regimes. Most importantly for our purposes, it allows us to focus specifically on our question of the relationship between censor and censee, utilizing only a very limited assumption that censorship regimes involve interaction between a censor and censee regarding the expression of speech acts.

Many intuitively plausible conceptions of self-censorship will center on those cases in which a public censorship regime results in non-alignment between her private and public attitudes, such as weak ‘pragmatic’ alignment (4. and 5. in Table 1), weak ‘idealistic’ alignment (6. and 7.) or perfect non-alignment (8. and 9.). This can be interpreted as capturing the common intuition that self-censorship involves an effort on the part of an individual to resolve a conflict of attitudes between herself and the censor by balancing her commitments to her beliefs or values, and pragmatic concerns on if and how these should be expressed. It seems particularly plausible to identify self-censorship with the pragmatic responses of an individual to public censorship regimes, such as the responses of weak ‘pragmatic’ alignment (4. and 5.) and instances of ‘pragmatic’ perfect non-alignment (8.) of attitudes. Self-censorship seems particularly closely associated with instances where the conflict between an individual’s private attitudes and her public expression is based on a censorship regime that is enforced predominantly through power rather than legitimate authority. These more pragmatic responses to censorship can capture the common intuition that self-censorship is the result of a deliberative effort in which an individual endorses both their private attitudes and acknowledges (either merely pragmatically or even normatively) the censor’s point of view. One might contend that, given these discussions, conflict is an essential feature of self-censorship.<sup>v</sup> We do not take a stance on such conceptual definitions here, as this involves

making claims about the intrinsic features of censorship regimes that are unnecessary to our analysis. Such claims could also limit the applicability of the framework. For example, consider an implicit, (or counterfactual) public censorship regime from which conflict is by and large absent because the censees change and develop their own attitudes to align with the censorship regime as they believe they will be punished if they do not. Those seeking a conceptual definition of censorship regimes may dispute such borderline cases given that conflict between censor and censee is absent. But regardless of whether one accepts this as meeting the criteria for a censorship regime, our analysis can be fruitfully applied to the nature and interaction between the agent who constitutes the permissions on speech acts, and those subject to those permissions (the censor and censee as we describe them).

The framework for the analysis of interactions between censor and censee describes in what way the censee responds to censor. This is particularly useful in clarifying different kinds of reactions to censors, and different types of censoring of oneself.

#### PUBLIC AND PRIVATE SELF-CENSORSHIP

This descriptive framework of censorship regimes is a tool for analyzing concrete cases of censorship, where there may be multiple censors and censees, and a variety of responses intertwined. We consider the recent case of the publication of caricatures of the Prophet Mohammed by the Danish newspaper *Jyllands-Posten*.

In 2005, the Danish newspaper *Jyllands-Posten* published 12 caricatures by different artists of the Prophet Mohammed. The representation of the Prophet Mohammed resulted in widespread criticism and objection, both to the very fact of a visual representation of the Prophet Mohammed (which is deemed unacceptable to many Muslims), and to

representations that seemed insulting and derogatory to the memory and regard for the Prophet and to the Islamic faith more generally (Klausen, 2009a). The controversy quickly centered on the issue of censorship and self-censorship. We leave aside the question of competing normative arguments regarding the proscriptions on expressions of images, or on how proscriptions should be enforced. We concentrate instead on the question of which censors and censees were involved in various aspects of this dispute. The answer to this question will reveal instances of self-censorship where there is an absence of an external censor.

We begin first with a description of the general censorship regime. Danish law constitutes a public censorship regime. Section 77 of Denmark's constitution forbids prior licensing of speech and therefore aims to protect freedom of speech and the freedom of the press, whilst sections of the Danish penal code restrict certain forms of speech such as blasphemy (§140),<sup>vi</sup> racism/sexism (§266b), and libel (§267).<sup>vii</sup> Clearly, in this censorship regime, the *Jyllands-Posten* is the censee, and the Danish legal system is the censor. How did the two interact? The *Jyllands-Posten* was accused of breaking various laws governing speech acts. The Danish Attorney General judged that there were no charges to answer under blasphemy and race hate laws, and Danish civil courts dismissed complaints of defamation (Klausen, 2009a, pp. 194-196). According to the degree of alignment between attitudes held by the censee (the *Jyllands-Posten*), and the attitudes they actually expressed, we have instances of 'perfect alignment' of acceptance (3. in Table 1) between the *Jyllands-Posten* and the Danish regime's general principles protecting of freedom of speech, but 'perfect alignment' of opposition (1. in Table 1) because the newspaper was explicitly critical of laws forbidding expressions on the grounds of blasphemy and racism.

The Danish law was not the only censor in this conflict. Those members of the Muslim community who objected to the publication of the caricatures, and who wished to regulate the expression of attitudes about Islam and Mohammed in the public sphere can also be seen as

censors in the descriptive sense outlined earlier. The *enforcement* of their proscriptions on expression was conducted through a range of social, political, and economic actions by various Muslim groups. These included attempts at international denunciation of Denmark at the UN (Klausen, 2009a, pp. 63-82) and an economic boycott of Danish goods in certain Muslim countries (Klausen, 2009a, pp. 72-76) which was meant to increase pressure on the Danish government and society to persuade the *Jyllands-Posten* to withdraw the cartoons. More controversially, certain members of the Muslim community threatened and even committed acts of violence to employees of *Jyllands-Posten* (Klausen, 2009a, p. 58) and other Danish citizens (Klausen, 2009a, p. 46). Indeed, the Danish police advised the cartoonists to keep silent in the face of such threats. In this case, we can see that whilst the censees remain the *Jyllands-Posten* and any other newspaper or individual with access to publishing, the censors are those parts of the Muslim community that have threatened (and/or carried out) violence, legal action and public pressure with regards to the publishing of the cartoons.

The *Jyllands-Posten* cannot be said to have censored themselves in response to parts of the Muslim community as censor because they published the caricatures and subsequently defended their publication. Our analytical framework however helps identify the different kinds of interaction between the Muslim community as censor and the *Jyllands-Posten* as censee. The publication of the caricatures by the *Jyllands-Posten* was in opposition to perceived censorship by the Muslim community, and the attitudes they actually expressed were intended to voice that opposition (1. in Table 1). The basis for such ‘perfect alignment’ of opposition was the *Jyllands-Posten*’s contestation of the Muslim community’s perceived power to enforce censorship, their rejection of the authority of this group of Muslims to create and enforce a view of what it is permissible to express publicly, and their rejection of a theological framework in which religious offense restricts the rights of others to free expression (Klausen, 2009a, pp. 20-27). Jytte Klausen points out: ‘The cartoons were printed around the margin of an essay, and the headline of the essay was “Mohammed’s Ansigt” which means the face of Mohammed. [...] it was a cartoon editorial, it was a provocation.

[...] They deliberately wanted to break a taboo and that's why it was printed.' (Klausen, 2009b, pp. 77-78).

If we now turn our attention to the different censees that were involved in this dispute, we can begin to describe instances of self-censorship. Many publishers and news organizations refrained from publishing the caricatures. Yale University Press, the publisher of Jytte Klausen's *The Cartoons that Shook the World*, declined to publish the cartoons on the stated grounds of safety and security. In this case we can characterize Yale University Press as a censee responding to the censorship regime of parts of the Muslim community who objected to the publication of the caricatures. Yale University Press is in a condition of perfect non-alignment between private opposition to the public censor prohibiting the publication and public acceptance of the censorship by not publishing (i.e 8. in Table 1). This perfect non-alignment seems based on a pragmatic acknowledgment that public opposition threatens violence, a principled rejection of the authority of any violent objectors to stifle free speech, indifference or perhaps disagreement that there is a theological basis for objecting to the caricatures, and indifference that the content of the caricatures is offensive. This analysis suggests that Yale University Press reluctantly responded to this public censorship regime with a type of self-censorship. There is a response to a perceived external censor, which in this case consists of some members of a community who threatened violence in response to the expression of an attitude it opposes.<sup>viii</sup> Therefore, by paying close attention to the nature of the censor and censee and the nature of their interaction, self-censorship as a response by a censee (Yale University Press) to a censor that exists independently of them (those in the Muslim community who object to the publication) is identified. If we extend this analysis and attend to further kinds of censor and censee, we find that a different type of self-censorship emerges.

In the preceding discussion, we identified the *Jyllands-Posten* as a censee responding to the censorship regime of the Danish law and those in the Muslim community who objected to the

publication of the caricatures. However, the *Jyllands-Posten* may also be described as performing the role of censor in relation to its journalists and what they are allowed to express in print. The proprietors and editors of *Jyllands-Posten* act as censor as they permit and proscribe expression that promotes the goal of publishing a newspaper that exercises influence which fulfills the moral, political, commercial, aesthetic, and professional values of the publishers and editors. For example, Jytte Klausen points out that the *Jyllands-Posten* is broadly center-right in its political support and editorial, and that it is the largest selling Danish broadsheet newspaper (Klausen, 2009a, p. 11). The contributors who choose to write for the *Jyllands-Posten* accept the authority and ability of the editors to constrain that which they publish, and so the censorship regime between the newspaper and its writers is broadly consensual. We can now analyze the interaction between censor and censee thus described. The individual journalists on the *Jyllands-Posten* may have views that conflict with what the editors permit to be published by the newspaper, for example they may take a different political line on a given issue, or believe the newspaper's copy editing suppresses good writing. We might describe journalists who suppress such disagreements as in a condition of holding private opposition to the policies and practices of the newspaper but expressing public indifference or acceptance. Our account describes such journalists as in a condition of either weak 'pragmatic' alignment (such as 4. and 5. in Table 1) or perfect non-alignment (8. and 9.) of their own attitudes.

Notoriously, the *Jyllands-Posten* declined to print unsolicited caricatures of Jesus on the grounds that they would cause offense to readers (Fouché, 2006). Such suppression occurs within a domain of discretion created by Danish law and norms (expression of such images is permitted and not required, therefore discretion is created). Within this domain of discretion created by Danish law, the publishers and editors constitute their own rules and norms regarding permissible expression of images of Jesus. If we regard the *Jyllands-Posten* as acting as the sole arbiter and enforcer of rules of expression in this domain, then we can see that the newspaper is acting as censor over itself and what it publishes, in the absence of an

external public censor. Therefore, by concentrating on the question of who are the censor and censee and what is their interaction, we identify a type of self-censorship where the censor and the censee are the same agent, and this agent acts as censor over herself in the absence of an externally existing public censor.

We have therefore identified two types of self-censorship: one where the censor and censee are separate agents and where the censee censors herself in response to this external censor; and one where the censor and censee are the same agent and this agent censors herself in the absence of an external censor. We characterize these two types of self-censorship as *public self-censorship*, and *private self-censorship*.

#### DEFENDING TWO TYPES OF SELF-CENSORSHIP

We now consider two objections against our distinction between public and private self-censorship, starting with a ‘deflationary’ objection that aims to reduce the discussion of self-censorship to public self-censorship. We then respond to the challenge that from the point of view of freedom of speech, self-censorship does not constitute censorship proper.

##### *How Private is Private?*

Consider the following deflationary objection: that any instance of self-censorship can be adequately described as a response to a public censorship regime.<sup>ix</sup> This view maintains that there is only one type of self-censorship, namely public. In contrast, we claim that even if many cases of private self-censorship can have a ‘public’ flavor to them, there are cases of censorship in which there is *no public censor*. In order to defend this claim, we distinguish between two ways in which private self-censorship can be established. Firstly, there are undoubtedly many cases of private self-censorship where someone censors herself by taking a



point of view external to her own private perspective: for example, an individual who is a member of an association may reflect on what the norms of the association imply for what she should express when participating in the association. We label such cases as private self-censorship *by proxy*. Secondly, there are cases in which an individual formulates her own conception of what it is permissible to express: for example, a person may develop a personal code where it is deemed impermissible to express obscene language or to speak about money in public company. We label such cases as private self-censorship by *self-constraint*.

Consider the example of Anne, Brian and Chris who are three work colleagues. Anne and Brian both dislike Chris but say nothing. Chris moves to another job. Brian starts to insult Chris in private to Anne. Anne shares all of Brian's views on Chris, and knows that their private conversation could never get back to Chris or anyone else, and therefore there could be no punishment for expressing the same attitudes as Brian. However, Anne does not wish to express these views.

The example of the colleagues can represent an instance of private self-censorship where Anne chooses not to express her own critical attitudes by considering what she regards as appropriate constraints on what she expresses publicly.<sup>x</sup> If the sources of those constraints are external to Anne, for instance she wishes to abide by a social norm, then we can describe this as private self-censorship by proxy. If the sources of values and principles that constrain her expression are internal to Anne, for instance that she chooses to lead a life without talking behind people's backs out of a personal sense of decency, then we can describe this as private self-censorship by self-constraint.

The notion of private self-censorship by proxy allows us to characterize cases that seem, *prima facie*, to be cases of public self-censorship. But on closer examination we find that there is no external censor, and so these are best described as cases of private self-censorship. In these cases, public motivations, such as the norms of an association, provide the point of

view from which an individual censors herself. It would be a mistake to characterize those cases as public self-censorship, as there is no public censor. That is, the source of this point of view is external to the individual (the norms of an association), but this external point of view is not a censor that fits with our general descriptive framework (for example, the association does not enforce a particular view of what should be expressed publically). In the case of public self-censorship, the censor is an agent that exists independently of the censee. In the case of private self-censorship by proxy, the censee is not interacting with an externally existing censor, but rather is herself taking a point of view that is not simply personal and private.

Consider Anne from the example above. In the case of private self-censorship by proxy, the individual was taking a point of view external from that of her private commitments: perhaps a point of view of her as an employee of a firm, or member of an association. By reflecting and internalizing the values and norms of this external point of view, an individual may extrapolate what it is appropriate to express *qua* member of the firm or association, even in the absence of such things as an official code of conduct on expression. In private self-censorship by self-constraint, an individual develops a regime that regulates and constrains what she expresses publicly that derives its authority and efficacy through personal reflection and reasoning, and not through interaction with, or by taking the standpoint of, an external agent. Thus private self-censorship by self-constraint also includes a censor and censee interacting, but the origin and nature of this standpoint are wholly internal to the individual.

The deflationary objection argues that there are no cases of private self-censorship by self-constraint, but rather that they reduce to private self-censorship by proxy, and that all cases of private self-censorship by proxy are instances of public self-censorship. Let us consider the first step in the objection by reconsidering the case of the colleagues. In the self-constraint case, the individual is taking some of her attitudes as lexicographically prior to her other attitudes, but she is not taking a point of view of an external agent. According to the

objection, Anne's self-suppression can be traced to some public agent, such as a firm's official code of conduct of public decency in the workplace. However, for an individual to reason, adopt, and act from the standpoint of some set of principles or norms, is not necessarily to reason or act from the point of view of some external agent. Thus, the objection seems to rest on conflating agency with standpoint. Hence reducing all cases of self-censorship to public self-censorship would limit our understanding of the processes by which agents can regulate their behavior.

While we accept that what might at first appear to be self-censorship by self-constraint may often be an outcome of a certain process of self-censorship by proxy, the ability of an agent to adopt a standpoint from which they can assess and regulate the expression of his or her own attitudes does not depend on that standpoint always reducing to an external *agent*. Hence, private self-censorship, where the censor and the censee are the same agent, fulfills a vital role in capturing an important aspect of censorship.

The distinction between two types of self-censorship also allows us to carefully describe exactly those cases of self-censorship which may be worrying from a normative point of view. Think of cases in which an individual gradually internalizes public censorship, such as followers of a sect that are successfully indoctrinated by repeated censorship, or disempowered individuals whose self-expression is suppressed such that they come to independently anticipate, extend, and even embrace the censorship regime that oppresses them. We may describe such cases initially as public self-censorship, as there is an external censor to which the individual responds. We can also characterize different degrees to which the individual aligns with the external censor. Yet, it may be the case that the individual also continues to censor him- or herself in the absence of an external censor, such as when the external censor ceases to exist: for instance, when the sect dissolves, or legislation is passed that ensures equal rights to expression. Such self-censorship – which began as public self-censorship – has been transformed, through its persistence in the absence of the original

public censor, into private self-censorship. Depending on the degree to which the censee's motives are private, they constitute private self-censorship by proxy or by self-constraint. For instance, the behavior of a former follower of a sect may be adequately described by self-censorship by proxy if the individual constrains him- or herself by the rules of the former sect even in light of its demise: the point of view is still external, but there is no longer an external censor. Likewise, the behavior of a member of a minority group may be described by self-censorship by self-constraint if years of oppression have led the individual to believe in her own inadequacy, which persists even if the original source of the suppression has been nullified by law. The examples mentioned here are important from a normative point of view, and the distinction between two types of self-censorship allows us to describe them carefully so as to be precise in our normative evaluation. However, we do not wish to claim that an application of our distinction will always yield an unequivocal description of any given case. The empirical richness of actual cases of censorship and self-censorship may well lead to disagreements about whether, for instance, we can identify an instance of private self-censorship by proxy, or one of public self-censorship. Yet, we maintain that it is useful for conceptual and normative discussions that such complexity is brought to attention by our distinction.

### *Does Self-Censorship Constitute Censorship at All?*

There is a second objection to the distinction between private and public self-censorship. It begins with the view that the concept of censorship is connected to freedom of speech because censorship is always by one agent over another and as such is intrinsically public. On this view, *self-censorship* is a misnomer because principles of free speech cannot be applied by individuals to themselves, and if principles of freedom of speech do not apply, then censorship cannot exist.

In order to address this objection, we consider Schauer's conception of censorship that leads

him to deny the existence of private and public self-censorship. Fredrick Schauer argues that public censorship is characterized by the discretionary power of governments to control speech (Schauer, 1982, pp. 122-123). For Schauer, censorship only occurs in conditions of ‘non-necessary choice’ about the expression of speech acts. Schauer argues that governments have discretionary power over speech because they are not participants in speech-act relationships in the same way as individuals. Individuals and voluntary associations necessarily have to choose to whom and to what they listen, and to whom they allow opportunities to speak. Such a choice is necessary for individuals and voluntary associations because of pragmatic restrictions on individuals hearing all people or points of view, or providing opportunities to all others to speak. Schauer therefore associates censorship with government alone, because government is the only kind of agent that is in a condition of non-necessary choice about the expression of speech acts. In contrast, individuals have to make necessary choices about speech acts.

Schauer maintains that principles of free speech are inapplicable to self-censorship because principles of free speech do not apply when individuals necessarily have to make a choice between what they hear (more broadly, the speech acts they receive). The fact that individuals necessarily have to choose to not hear some voices or expressions means that they cannot be held morally culpable for having to make such a choice. Equally, those whose voices are not heard cannot claim a right to be heard on grounds of principles of freedom of speech, because they are claiming a right that could not possibly be enforced because it is pragmatically infeasible. Since individuals are in a condition of necessary choice about their reception of speech acts, ‘[t]his additional dimension of private suppression as an act of speech, or at least a corollary to it, sharply distinguishes private from government censorship, and makes the notion of private self-censorship almost self-contradictory.’ (Schauer, 1982, pp. 122-123). Our descriptive approach disputes this elimination of private and public self-censorship and provides support for those who accuse Schauer of holding a too restrictive view of censorship (Cohen, 2001; Soley, 2002).

Our approach shows how principles of free speech can be extended to *public self-censorship*. Consider the case of a legitimate public censorship regime: agents who align the expression of their attitudes with it are behaving justifiably. Conversely, if a public censorship regime is normatively problematic, for instance one that intimidates and threatens the censees, then opposition may be morally permissible or even obligatory, in preference to public self-censorship. Consequently, our approach allows us to normatively evaluate the role of the censor and censee.

When considering *private self-censorship* we agree that principles of free speech are inapplicable, but on different grounds from Schauer. Principles of free speech relate to coercive relationships between agents: namely a public censor and a censee. Our descriptive approach suggests that analysis of the legitimacy of censorship regimes should focus on the actions of the censor. We agree with Schauer that it is entirely appropriate to consider public censorship regimes under principles of free speech. The wrong that is involved in violations of free speech must include, *inter alia*, the wrong of coercing an agent to suppress her speech against her will or interests. Can such a wrong (namely a wrong of coercion) be performed by an individual on the expression of her own attitudes? We argue: no. Private self-censorship does not involve an interpersonal relationship between agents as censor and censee; private self-censorship consists in an intrapersonal relationship within an agent where they act as both censor and censee. It is impossible for an individual to coerce herself by restricting her own freedom of speech through private self-censorship, because coercion must involve the restriction of the action of one agent by another.<sup>xi</sup> As we mentioned earlier, private self-censorship is an instance of an intrapersonal relationship within an agent between different standpoints they take towards his or her own attitudes. Private self-censorship by proxy involves an agent taking an external standpoint, whilst private self-censorship by self-constraint involves an individual taking a standpoint different from her first person standpoint on her expressions, such as a second person standpoint of common decency, maximal utility,

or deontological morality. As private self-censorship is based on intrapersonal relationships between different standpoints and not interpersonal relationships between agents, coercion is inapplicable. Coercion therefore requires an interpersonal relationship. Private self-censorship, by its very definition, is an intrapersonal relationship.

The understanding of censorship derived from our descriptive framework coheres with the view that principles of free speech apply to censorship. However, our view specifies that the principles of free of speech apply only to public self-censorship, and shows that for private self-censorship, the intrapersonal conflicts that we argue characterize private self-censorship are not subsumable under normative notions of freedom of speech. We leave open the possibility that these types of intrapersonal conflict may require a normative principle of some other kind to regulate the interests or competing considerations that may be derived from the different standpoints that are in conflict.

## TWO TYPES OF SELF-CENSORSHIP AND NORMATIVE ANALYSIS

The goal of this paper is to clarify self-censorship by focusing on the question of who is the censor and censee, and how do they interact? We have therefore bracketed questions of the normative status of censorship in general and of any particular censorship regime. In this sense, our paper is akin to a descriptive analysis of, for example, the phenomenon of lying: can a distinction be made between lying to others (public deception) and lying to oneself (self-deception). The question of whether there are features that distinguish the phenomenon of public deception from self-deception can be addressed independently of a normative evaluation of the content or consequences of lying or any particular lie.

But it might be objected that censorship, and by extension self-censorship, is intrinsically morally problematic (or at least has intrinsic moral content) as it involves suppression of expressions, even if in certain cases suppression may be permissible due to other

considerations such as preventing harm. Consequently, the objection maintains that our analysis fails to recognise the intrinsic moral content of censorship. We suggest two responses to such objections.

### *Censorship, Self-Censorship, and Thick Evaluative Concepts*

Firstly, we acknowledge that censorship and self-censorship seem to fit Bernard Williams's notion of *thick evaluative concepts* that include both descriptive and evaluative dimensions, (Williams, 1985, p. 141). However whilst censorship may include both descriptive and evaluative dimensions (where censorship is usually evaluated negatively), this does not imply that these dimensions are indistinguishable.

Earlier, we set out a general framework for analyzing censorship regimes that included the goal of the censorship regime, the methods of enforcement, the grounds for justification, the content of that which they seek to suppress, and the agents who interact as censor and censee. Our discussion has focused on the identity of and interaction between censor and censee in instances of self-censorship. It seems to us that the other dimensions along which censorship regimes may be identified and analyzed are permeated with normative issues: what are morally acceptable goals, if any, for censorship regimes; do certain justifications for censorship successfully defeat other objections to censorship based on free speech; what are morally permissible methods of enforcement; should certain content of expressions be immune from suppression? A comprehensive theory of censorship would address these normative matters, and may indeed take the view that censorship is intrinsically morally problematic. But it is possible, as we intend to show here, that the question of the identity and interactions of censor and censee can be analysed separately from these normative matters, just as the question of who is the person lying and who is being lied to can be addressed separately from the question of whether the lie is morally objectionable. An analysis of the identity of the agents within a censorship and self-censorship regime does not depend on a



prior normative evaluation of the substance of their actions as censor or censee. Our approach therefore succeeds in identifying the salient features of censorship regimes, and recognizes that a complete theory of censorship will include a normative account of all dimensions. Our argument however distinguishes an important descriptive question within a broader framework of understanding censorship, and seeks to clarify the identity and interaction of censor and censee in instances of self-censorship.

### *Two Types of Self-Censorship as a Basis for Normative Analysis*

In response to the criticism that our analysis of censorship and self-censorship has neglected the normative dimension of censorship, or even perpetrated the view that censorship is morally neutral when it is in fact morally problematic, we claim that our analysis clarifies the dimensions of censorship and self-censorship that demand moral evaluation. We have outlined those we feel lend themselves best to characterize censorship regimes, and are thus most susceptible to moral analysis and evaluation, including the goal, methods, and justification of the censorship regime. Whilst our analysis has focused on clarifying the identity and interaction of censor and censee in instances of self-censorship, our conclusion that there are two types of self-censorship does itself have implications for how normative analysis of self-censorship should be conducted. Recall our discussion of the Danish cartoon incident. Our framework provides a unique explanation of the different kinds of agents involved, and the variety of possible interactions between them. This unique account of the agents and their interactions reveals the different normative principles that apply, and to whom they apply. In order to exemplify how our model may be employed constructively within normative analysis of censorship regimes, consider two very different responses to the publication of the cartoons by the *Jyllands-Posten*.

The first response, voiced by the Danish government and many sympathetic newspapers, was that the newspaper was justified in publishing the cartoons because it is impermissible to censor speech through threats of violence, and that the value and rights to freedom of speech in democratic polities (enshrined in Danish law and the European Convention on Human Rights) trump claims by offended parties to suppress speech on grounds of offence (Fode, 2006).<sup>xii</sup> Our model reveals that this response recognizes the public censorship regime of Danish law as legitimate, and the public censorship regime instituted by parts of the Muslim community as illegitimate. The *Jyllands-Posten* was aligned with the Danish law's principles of freedom of speech, yet was in conflict with parts of the Muslim community. Hence, normative evaluation of the *Jyllands-Posten*'s actions as a response to censorship requires differentiating the two public censorship regimes with which the newspaper was interacting. Such differentiation is required because supporters of the *Jyllands-Posten* would regard the Danish censorship regime as legitimate, and the censorship regime instituted by that part of the Muslim community who objected as illegitimate. Therefore, our framework specifies that the normative issue at stake is a conflict between two opposing censorship regimes, and their competing claims to legitimacy.

The second response regards the *Jyllands-Posten*'s actions as morally wrong as they caused offense, hurting the feelings of members of a minority religious group who suffer many injustices, caused outrage and festered division between cultures. Our view helps clarify that this is a normative assessment of the *Jyllands-Posten*'s private self-censorship regime. Using our analysis, a normative evaluation could focus on the inconsistency of the *Jyllands-Posten*'s actions because as a private censor it acknowledged that the claims of Christian believers should constrain that which they express, whilst rejecting the *prima facie* equivalent claims of Muslim believers. Thus, our focus on the nature of the agents who interact in censorship regimes, and the distinction between public and private self-censorship provided by our analysis, reveals a particular moral identity of the *Jyllands-Posten* as private self-censor, which facilitates moral evaluation by being clear on the nature of agents involved.

The distinction between private and public self-censorship is particularly useful in analyzing the more recent controversies in the Danish cartoon case. In February 2010, a settlement between the newspaper *Politiken*, which had reprinted the cartoons and eight organizations representing 94,923 of the Prophet Mohammed's descendants, was reached with the latter dropping legal action against the newspaper. As part of the settlement, the newspaper *Politiken* issued a statement in which they apologized for the offense caused by their reprinting the cartoons in question (Isherwood, 2010). This statement was met by harsh criticism from Danish media, politicians and also the *Jyllands-Posten*: '*Politiken* has betrayed the battle for freedom of speech. They've given up and bowed to threats. That is, of course, disgraceful,' (Isherwood, 2010) its Editor-in-Chief Mikkelsen said in response. The three censorship regimes discussed earlier help to analyze these developments. Firstly, *Politiken*'s statement frames the problem in terms of apologizing for failed private self-censorship. Secondly, the statement arose in the context of a lawsuit that can be described as being an element of the public censorship regime in which parts of the Muslim community participate. Thirdly, the *Jyllands-Posten*'s reaction draws on free speech, framing the problem in terms of the perceived legitimacy of the Danish public censor and the perceived illegitimacy of the public censorship regime by parts of the Muslim community. This suggests that the public debate about the cartoon incident can be seen as disagreements about which of the censorship regimes involved are salient, and which are legitimate and which are illegitimate.

Consequently, our focus on clarifying the identity and interaction between censor and censee, particularly in cases of self-censorship, allows us to make finer distinctions between the various censorship regimes, their protagonists, and their behavior. As mentioned before, we do not wish to claim that there is only one correct description of a given case of censorship and self-censorship that results from applying our distinction. It is possible to disagree about, for instance, the extent to which the *Jyllands-Posten* was a private self-censor and the extent to which journalists and freelance journalists can be taken as constituting separate agents, so

that censor and censee are also different agents. Yet, such disagreements are important to consider, and they arise in virtue of distinguishing two types of self-censorship. Greater descriptive clarity that is afforded by identifying different agents and analyzing their relations can then form the basis for normative analysis of censorship and self-censorship.<sup>xiii</sup>

Consequently, there is a broad range of important cases, where public censorship regimes not only cause agents to censor themselves, but where those agents also have to consider on what basis they regulate that which they express publicly. The analysis of censorship and self-censorship we have developed in this paper helps elucidate such complex cases, and facilitates a normative analysis of the relationships of all actors involved.

## CONCLUSIONS

We have argued for a distinction between two types of self-censorship: public and private. Applying the framework for the analysis of censor-censee interactions we have introduced in this paper, we find that the two types are based on different censors and censees interacting: in public self-censorship, the censor is a public agent, such as a government or public authority, and the censees are private individuals or corporations. By contrast, in private self-censorship, censee and censor are the same agent, such that the censorship process involves the suppression of attitudes within one individual. We have distinguished two conceptions of private self-censorship, namely by proxy and by self-constraint, to highlight the degrees to which sources for private self-censorship can be external or internal to an agent. We maintain that the distinctions we introduce in this paper are relevant for the normative analysis of complex cases of censorship and self-censorship, and the interaction between censors and censees. We argued that principles of free speech are not directly applicable in cases of private self-censorship. Thus, the distinction between public and private self-censorship established here enables clarification of the complexities of censorship and self-censorship, and the normative and descriptive problems associated with them.

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<sup>i</sup> Whilst this scholarship illuminates the varieties of censorship in history, it has often resulted in vague and broad notions of censorship and self-censorship, such as David Tribe, 1973, p. 16 on censorship as well as Jansen, 1988, O'Higgins, 1972, and Thomas, 2008 on self-censorship.

<sup>ii</sup> Schauer, 1982, pp. 122-123; Andre, 1982; Andre, 1992; Cohen, 2001; Soley, 2002.

<sup>iii</sup> We use the notion of 'expression' throughout this discussion as a placeholder for the wide range of phenomena that may be censored. These may be written, verbal, pictorial, musical etc. Our analysis of the nature and relationship between censor and censee does not depend on any particular conception of the content of that which is suppressed through censorship.

<sup>iv</sup> It is also possible to analyze the censee's responses in a less fine-grained way, such as with a binary framework (acceptance; opposition) or in a more fine-grained way, by assigning propositions numbers in a real interval [0,1] that give a range from acceptance (1) to opposition (0).

<sup>v</sup> We thank an anonymous reviewer for bringing our attention to this point.

<sup>vi</sup> In practice, the blasphemy law has become moribund and decisions about the publication of religious images are governed by individual discretion, and not criminal law.

<sup>vii</sup> There are of course many more aspects of the Danish legal regime that affect the expression of speech acts. In an interesting twist Kurt Westergaard (the artist of the caricature of the prophet Mohammad with a bomb in his turban) successfully used Danish copyright law to suppress the reproduction of his caricature in a film by the Danish MP Geert Wilders called *Fitna*. Wilders claimed his film was an extension of *Jyllands-Posten's* challenge to self-censorship. Westergaard's use of copyright law to restrict unauthorised reproduction of his caricature is a further example of how speech affecting law may be characterised as part of a censorship regime under our approach.

<sup>viii</sup> As in the aforementioned case of Westergaard and Wilders, Yale University Press can also be seen to act as censor over both the artists of the cartoons, and following Scanlon's notion of an 'audience interest' in freedom of speech, the reading public who are denied the opportunity to view the cartoons in Klausen's book (Scanlon, 1972)

<sup>ix</sup> We do not engage with the converse deflationary objection – reducing the two types exclusively to private self-censorship – as endorsing this objection would make it impossible to uphold certain intuitive understandings of self-censorship in response to public censors.

<sup>x</sup> Anne's actions may plausibly be described as self-censorship as there is an interaction between the rules she uses to regulate what she expresses publically, and those attitudes she actually holds. Such cases are consonant with our initial premise that central cases of censorship include the existence of a censor and censee interacting regarding the expression of speech acts.

<sup>xi</sup> Our argument that principles of freedom of speech do not apply to private self-censorship relies on the absence of coercion in intrapersonal relationships regarding speech. As outlined in our initial

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discussion of private self-censorship by self-constraint we accept that norms and principles may be formulated and adopted by individuals that govern their own speech acts, but these are not coercive as they are implemented by the person herself.

<sup>xii</sup> Whilst the Danish public prosecutor explicitly states the supremacy of the value and rights of freedom of speech over claims to suppress speech on grounds of offense (enshrined in Article 10(1) of the ECHR, he also refers to Article 10(2) which states that the right to freedom of speech creates duties on individuals not to commit speech acts that threaten (inter alia) national security, public health and safety, and which may be enforced legally. The reference to duties on individuals regarding their speech acts that are enforceable by law in Article 10(2) seems classifiable as duties of public self-censorship (by proxy when not enforceable) on our scheme.

<sup>xiii</sup> John Horton's analysis seems to implicitly accept the distinction between two types of self-censorship that we develop here, but he argues that the distinction impedes clarity in discussing self-censorship. As our discussion of the *Jyllands-Posten* case has shown, denial of two types of self-censorship prevents clarity regarding who acts as censor and censee, which censorship regimes are involved, and therefore who should be the subject of normative evaluation (Horton, 2011).